



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

MAR - 8 2010

Reply To: OCE-084

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Steven Tochko
Manager, Environmental Remediation
Environment, Health and Safety
The Boeing Company
P. O. Box 3707, M/C 9U4-26
Seattle, Washington 98124-2207

Re: Approval of Risk-Based Method for Cleanup of PCB Remediation Waste
Work Plan for Area of Building 3-322, North Boeing Field, January 15, 2010

Dear Mr. Tochko:

The United States Environmental Protection Agency ("EPA") has reviewed the Work Plan provided by The Boeing Company ("Boeing") along with your cover letter dated January 15, 2010. The Work Plan pertains to the proposed cleanup of polychlorinated biphenyls ("PCBs") from ground surfaces and storm drain structures in the area of Building 3-322 at North Boeing Field ("NBF"). The Work Plan is also dated January 15, 2010.

EPA has determined that the proposed risk-based method for cleanup of PCBs will not pose an unreasonable risk of injury to human health or the environment. EPA is authorized to make this determination pursuant to Federal regulations promulgated under the Toxic Substances Control Act ("TSCA"). The proposal by Boeing is, therefore, approved by EPA in accordance with 40 C.F.R. § 761.61(c). This determination is subject to the conditions set forth below.

Conditions of Approval

- 1) The cleanup actions for the ground surface areas in the vicinity of Building 3-322 will commence within one week of receipt of this letter, be undertaken in accordance with the Work Plan, and be completed within one month of initiation of the work.
- 2) The cleanup actions for the storm drain structures in the vicinity of Building 3-322 will commence within five days of completion of the cleanup of ground surface areas, be undertaken in accordance with the Work Plan, and be completed within one month of initiation of the work.
- 3) EPA expects the cleanup verification work for the storm drain structures to include the use of a video camera which visually depicts the areas in the storm drain structures addressed by the cleanup action. If, for any reason, this cleanup verification work is not satisfactory to EPA, Boeing will be so notified and may then be obligated to perform other verification work in accordance with

40 C.F.R. § 761.61(a)(6). Further, the cleanup verification work to be undertaken pursuant to approval by EPA does not impact whether, and to what extent, additional work for these storm drain structures may be performed as part of the testing, data collection, monitoring, and analysis required by the Washington Department of Ecology under the Model Toxics Control Act.

- 4) EPA will review the reports, sampling and other supporting information to be submitted by Boeing for the purpose of documenting the cleanup work. Following this review, EPA intends to determine whether, and if so when, deed restrictions may be necessary as set forth at 40 C.F.R. § 761.61(a)(8).
- 5) The cleanup by Boeing of PCB remediation waste in accordance with this approval under TSCA does not prevent the State of Washington from imposing more stringent cleanup requirements under State law in any areas addressed by or outside the scope of the Work Plan, or EPA from doing the same under any applicable Federal law.

Lastly, King County and the City of Seattle, as the owners of the property where Boeing will be conducting the cleanup work, are each required to provide EPA with a certification of the availability and location of all sampling plans and procedures used to assess or characterize the PCBs. King County and the City of Seattle both provided qualified statements which do not conform to the certification requirement of 40 C.F.R. § 761.61(a)(3)(E). Despite these failures, as the party who will be conducting the cleanup, Boeing did provide EPA with the required certification. As a result, being that EPA is informed of the availability and location of the pertinent sampling information, there is a basis for allowing the cleanup to proceed in accordance with the Work Plan.

If you have any questions about this matter, please contact Scott Downey, Manager, Pesticides and Toxics Unit at (206) 553-0682 or by email at downey.scott@epa.gov or contact Daniel Duncan, Regional PCB Program Coordinator, at (206) 553-6693 or by email at duncan.daniel@epa.gov. Please direct inquiries from counsel for Boeing to Richard Mednick, Associate Regional Counsel, at (206) 553-1797 or by email at mednick.richard@epa.gov.

Sincerely,



Edward J. Kowalski, Director
Office of Compliance and Enforcement

cc: Richard Thomas, Washington Department of Ecology
Mark Edens, Washington Department of Ecology
Jennie Goldberg, Seattle City Light
Peter Dumaliang, King County
Carl Bach, The Boeing Company